

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

DAVID CLAUS STELLING,	)	
	)	
Plaintiff	)	
v.	)	Civil No. 99-0200-B
	)	
KENNEBEC COUNTY CORRECTIONAL	)	
FACILITY, et al.,	)	
	)	
Defendants	)	

***RECOMMENDED DECISION***

Defendant City of Augusta moves to dismiss Plaintiff's Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff has expressly consented to dismissal of this Defendant.<sup>1</sup> Accordingly, I hereby recommend the Motion to Dismiss Defendant City of Augusta be GRANTED.

**NOTICE**

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1988) for which

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<sup>1</sup> Plaintiff indicated in his response to the pending Motions to Dismiss that he wishes to voluntarily dismiss Defendants Sleek, Doe 1 and 2, Cicone, Regina and Medical Department. He also consents to dismissal of Defendant Department of Corrections, which Defendant is a party to a separate Motion to Dismiss. In addition, Plaintiff has added new names to the list of Defendants he wishes to remain in the action. These new Defendants were not party to the original Complaint, and have not been added by amendment to the Complaint in accordance with Federal Rule of Civil Procedure 15. Plaintiff's reference to them in this pleading is therefore of no effect.

*de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

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Eugene W. Beaulieu  
United States Magistrate Judge

Dated on: December 10, 1999